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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MASTER DOCKET NO. 11-CV-2509-LHK

**PLAINTIFFS' SUPPLEMENT  
REGARDING MOTION TO COMPEL  
GOOGLE DOCUMENTS**

Date: February 26, 2013  
Time: 10:00 a.m.  
Courtroom: 5, 4th floor  
Judge: Honorable Paul S. Grewal

Pursuant to the Stipulation and Order Permitting Supplemental Briefing Regarding Plaintiffs' Motion to Compel Google Documents (Dkt. 324), Plaintiffs hereby summarize the recent testimony of William Campbell. Plaintiffs deposed Mr. Campbell, as previously scheduled and ordered (Dkt. 282), on February 5, 2012.

[REDACTED] Opp'n to Motion to Compel at 2; Dkt. 318. [REDACTED] Supp. Decl. of Dean M. Harvey ("Supp. Harvey Decl."), Ex. 1 (Campbell Dep. at 174:1-176:20). [REDACTED] *Id.* at 22:11-13. *See also id.* at 173:23-24 [REDACTED]

Second, Mr. Campbell testified that he did not have access to Google's confidential information unless a Google employee intentionally provided it to him, such as by copying him on an email and using his intuit.com email address.<sup>1</sup>

Third, Mr. Campbell authenticated the publicly-available document Plaintiffs filed with their motion to Compel (Decl. of Dean M. Harvey ISO Plaintiffs' Motion to Compel, Ex. N at 22), that describes Intuit's policies regarding inspecting, monitoring, and retrieving "information that is stored or transmitted on Intuit's electronic devices, computers and systems." Campbell Dep. at 184:9-10 ("It's Intuit's operating guidance. They call it the code of conduct and ethics now."). The policy was in effect while Mr. Campbell served on Intuit's Board.<sup>2</sup> *Id.* at 184:13-15. Mr. Campbell confirmed he was not exempt from any aspect of Intuit's policy.<sup>3</sup> Accordingly, the communications were not objectively confidential because Intuit could review them.

<sup>1</sup> Campbell Dep. at 71:16-22 ("Just so you know that, I don't -- I did not get written Google documents. I am not on -- was not on their e-mail list, and still, you know, when they have -- so you know this, I mean, I don't have access to any of their confidential information. So this would be a confidential information thing. Unless somebody deliberately copied me on it.)).

<sup>2</sup> Mr. Campbell has been the Chairman of Intuit's Board of Directors since 1998.

<sup>3</sup> Campbell Dep. at 185:1-4 (Q: "Under the subheading 'a,' 'Use of Intuit Resources and Assets,' was there any aspect of this that you were exempted from? A: I don't think I was exempted from anything.)).

Respectfully submitted,

Dated: February 13, 2013

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Dean M. Harvey  
Dean M. Harvey

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